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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,587	02/09/2004	Ronald Mark Katsuranis		1733
7590 Ronald M. Katsuranis 1618 MANZANITA AVE BELMONT, CA 94002				
			EXAMINER NGUYEN, LE V	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/775,587

Applicant(s)

KATSURANIS, RONALD MARK

Examiner

LE NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/22/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-50 is/are pending in the application.
- 4a) Of the above claim(s) 36-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to an amendment filed 6/22/07.
2. Claims 36-50 are pending in this application; and, claims 36, 44, 47 and 48 are independent claims. Claims 1-35 have been cancelled; and, claims 36-50 have been newly added. Newly submitted claims 36-47 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:
See below.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 36-47, drawn to using priority to determine which window is in the foreground, classified in class 715, subclass 794.
- II. Claims 48-50, drawn to a data transfer operation such as cut and paste 770.

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as switching focus from a first window to a second window to complete a data transfer operation for further editing. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the

allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art a) in view of their different classification, b) the inventions require a different field of search, and c) due to their recognized divergent subject matter (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 36-47 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. This action is made Final.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balakrishnan in view of Ito.

As per claim 48, although Balakrishnan teaches a method in a windowed computing environment having voice recognition comprising setting input focus on the first window and receiving a command from a user and setting input focus on the second window (col. 4, lines 6-58), Balakrishnan does not explicitly disclose the command being one of a copy command. Ito teaches a method of copying and pasting text comprising receiving a copy command from a user and setting input focus on the second window in a windowed computing environment (fig. 5; paragraphs [0004], [0035]-[0036] and [0049]; i.e. receiving a copy command from a user and setting input focus on window 42, waiting for the user to make a selection from window 42 and when the user selects, performing the following steps via a drag-and-drop operation, screen capture operation or copy operation: copying the selected text, switching focus to window 45 and pasting the selected text into window 45). It would have been obvious to an artisan at the time of the invention to incorporate the method of Ito with the method of Balakrishnan so that users can copy necessary data from data displayed in, for example, a Web browser into a word processing program.

As per claim 49, the modified Balakrishnan teaches a system for a computer user in a first graphical application window having input focus, to copy text from a second graphical application window, in a windowed computing environment having a voice recognition engine wherein the second graphical application window is an Internet

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browser application (Balakrishnan: col. 3, line 66 through col. 4, line 47; Ito: paragraphs [0004], [0036] and [0049]).

5. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Balakrishnan in view of Ito as applied to claim 48, and further in view of Wang et al. ("Wang").

As per claim 50, although the modified Balakrishnan teaches a method for a computer user in a first graphical application window having input focus, to copy text from a second graphical application window, in a windowed computing environment having a voice recognition engine comprising a first window and a second window (Balakrishnan: col. 3, line 66 through col. 4, line 47), the modified Balakrishnan does not explicitly disclose having a voice recognition engine for a help application. Wang teaches a system for a computer user having a voice recognition engine that receives voice commands in a windowing environment comprising a help application (Table 2; paragraphs [0040], [0067] and [0158]; *help application providing guidance*). It would have been obvious to an artisan at the time of the invention to incorporate the method of Wang with the method of the modified Balakrishnan in order to provide users with guidance in a limited display UI.

Response to Arguments

6. Applicant's arguments with respect to claims 48-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquires

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached at (571) 272-3923.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
December 5, 2007

/David A Wiley/

Supervisory Patent Examiner, Art Unit 2174